

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ARLETA MONGUE, individually and on  
behalf of the Class,

Plaintiff,

v.

THE WHEATLEIGH CORPORATION,  
L. LINFIELD SIMON, SUSAN SIMON,  
and MARC WILHELM

Defendants.

CIVIL ACTION NO.: 3:18-cv-30095

**PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to Fed. R. Civ. P. 23, Plaintiff hereby moves the Court for an order preliminarily approving the settlement of this class action, as reflected in the draft Class Action Settlement Agreement (the "Settlement Agreement") – a true and correct copy of which is attached as **Exhibit A** to the Memorandum in Support of the Motion for Preliminary Approval of Class Action Settlement ("Preliminary Approval Memorandum"). Defendant intends to oppose this motion.

This court has already (a) appointed Plaintiff as representative of the Class, (b) appointed the law firm of Connor & Morneau, LLP as Class Counsel, and (c) certified a Class consisting of:

**All individuals who worked as wait staff employees, service employees, or service bartenders for Defendants from May 7, 2017, to March 1, 2020 and were paid a Service Rate.**

Plaintiff hereby seeks an Order, substantially in the form attached as **Exhibit D** to the Preliminary Approval Memorandum, (i) preliminarily approving the class action settlement, and (ii) directing the distribution of notice to the Settlement Class as provided in the Settlement Agreement. As grounds for this Motion, Plaintiff respectfully refers the Court to her Memorandum in Support, which has been filed contemporaneously herewith.

Date: March 28, 2023

Plaintiff,  
By Her Attorney,

/s/ Jeffrey S. Morneau  
Jeffrey S. Morneau (BBO #643668)  
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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that I have conferred with counsel for Defendants, including on January 13, 2023 and other times. Defendants' Counsel indicated that Defendants anticipate opposing this Motion.

By: /s/ Jeffrey S. Morneau

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on the date of its filing.

/s/ Jeffrey S. Morneau  
Jeffrey S. Morneau, Esq.